



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/170977

PRELIMINARY RECITALS

Pursuant to a petition filed December 23, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Barron County Department of Human Services in regard to Medical Assistance, a hearing was held on February 18, 2016, at Barron, Wisconsin.

The issue for determination is whether the petitioner's income exceeds the BadgerCare Plus limit.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

Barron County Department of Human Services
Courthouse Room 338
330 E Lasalle Ave
Barron, WI 54812

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The petitioner applied for medical assistance on December 9, 2015. The county agency denied her application on 11, 2015. After she claimed that her income had fallen because of business

losses and bankruptcy, the agency reviewed her application and denied it again on January 26, 2016, because she had not provided enough verification to support her claim.

3. There are two persons in the petitioner's household.
4. The federal poverty level for a two-person household is \$1,335 per month. *BadgerCare Plus Handbook*, § 50.1.
5. The petitioner's husband earns \$2,916.67 in wages each month.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Adults are ineligible if their household income exceeds the federal poverty level, which for a family of two—the size of the petitioner's—is \$1,335. Wis. Stat. § 49.471(4)(a); *BadgerCare Plus Handbook*, § 50.1. The county agency denied the petitioner's application after determining that her household income exceeds this amount. She contends that the agency failed to account for business losses and the bankruptcy of her [REDACTED] farm.

Business losses can offset other income. *BadgerCare Plus Handbook*, § 16.4.3.2.2. But the petitioner must verify her financial information within 10 days of the agency's request or it can deny her application. Wis. Admin. Code, § DHS 102.03(1) and (3). The petitioner's application was denied in December 2015, but the agency gave her time to submit more information about her financial status. On January 15, 2016, it asked her to verify her business losses. When she did not provide this information by January 26, 2016, it denied her application. There was a discussion at the hearing about her providing additional information, but I have not seen it. Therefore, I find that the agency correctly denied her application because of lack of verification.

But even if she had verified her business status, it is unlikely that it would have made any difference. A business in bankruptcy is not paying any bills and thus would have no current losses. This means that the petitioner's household income would consist solely of her husband's income. That income is 2,916.67 per month, which is more than double the BadgerCare Plus limit for a two-person household. Based upon the information before me, I uphold the agency's denial of the petitioner's application for BadgerCare Plus.

CONCLUSIONS OF LAW

The petitioner is ineligible for BadgerCare Plus because her household income exceeds the federal poverty level and she did not verify her business lossess.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 7th day of March, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 7, 2016.

Barron County Department of Human Services
Division of Health Care Access and Accountability